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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,806	07/22/2003	Karl B. Ayash	D/A0449D	6655

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EXAMINER

KIM, PETER B

ART UNIT PAPER NUMBER

2851

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,806

Applicant(s)

AYASH ET AL.

Examiner

Peter B. Kim

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 92093, 72003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4, 5, 9-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 9 and 13, electroreprographic module is not disclosed in the written description.

Regarding claim 11, "eight low level of turbulence" is not disclosed in the written description.

Regarding claim 5, "the signs of the duplex your element" is not disclosed in the written description.

Regarding claim 12, an adjustable deflector element is not disclosed in the written description.

Regarding claims 4, 18, the diffuser controlling air through a combination of size of entry, angle of incidence, and speed is not disclosed.

The remaining claims, not specifically mentioned, are rejected for incorporating the defects from the base claim by dependency.

In order to expedite prosecution, the following art rejection is based on the examiner best understanding of the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-7, 9, 13 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ihara et al. (Ihara) (2002/0057921).

Ihara discloses an air diffuser for a xerographic module comprising a housing (10) having one xerographic development station (5), an air deflector (10g) located in the housing oriented to deflect air entering the housing away from the one or more development stations (Fig. 1 and 2).

The deflector of Ihara is oriented to deflect air to a side wall away from the location of the development station (Fig. 2). Ihara also teaches minimizing turbulence (para 0010) and preventing direct impact (para 0009-0010). Although Ihara does not explicitly teach minimizing turbulence as a result of a speed of air being deflected, it is inherent that once the air is deflected, the speed of air is affected. Ihara discloses a module (1) comprising a housing (10), side and top walls (Fig. 1 and 2) and an air diffuser (10g).

Claims 1-7, 9-14, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hollar et al. (Hollar) (5,689,766).

Hollar discloses an air diffuser for a xerographic module comprising a housing (12) having one xerographic development station (26), an air deflector (76) located in the housing oriented to deflect air entering the housing away from the one or more development stations (Fig. 7 and 8). The deflector of Hollar is oriented to deflect air to a side wall away from the location of the development station (Fig. 7 and 8). Hollar also teaches minimizing turbulence (col. 4, lines 35-59) and preventing direct impact (col. 4, lines 35-59). Although Hollar does not explicitly teach minimizing turbulence as a result of a speed of air being deflected, it is inherent that once the air is deflected, the speed of air is affected. Hollar discloses a module (10) comprising a housing (12), side and top walls (Fig. 7 and 8) and an air diffuser (76).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollar et al. (Hollar) in view of Morano et al. (Morano).

Hollar discloses the claimed invention as discussed above; however, Hollar does not disclose the deflector element comprising a flap of the housing material. Morano discloses in Fig. 3, a flap (79) attached to the top wall of the housing to deflect the air (col. 4, lines 57).

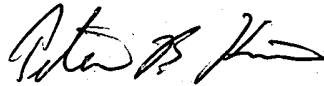
Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide on the top wall of Hollar flaps to deflect the air in order to provide "relatively tortuous path for air" as discussed in Morano in col. 4, lines 50-57.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Kim whose telephone number is (571) 272-2120. The examiner can normally be reached on Monday-Thursday from 8:30 AM to 6:00 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 571-272-2112. The fax phone numbers for the organization where this application or proceeding is assigned is 703 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 -272-2800.



Peter B. Kim
Patent Examiner
May 24, 2004
